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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,061	11/17/2003	Eric E. Blouin	RPS920030195US1	4784

47052 7590 06/15/2005

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EXAMINER

BAHTA, KIDEST

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,061

Applicant(s)

BLOUIN ET AL.

Examiner

Kidest Bahta

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by McNeely (U.S. Pub. 2002/0162059).

Regarding claims 1, and 10, McNeely discloses that a plurality of systems under test (SUTs) ([0015], [0041], i.e., multiple devices under test); at least one server (210) networked to the plurality of SUTs (302); and a local control system (215) coupled to the plurality of SUTs (302) and networked to the at least one server (210; Fig. 4), wherein the at least one server and the local control system utilize a hierarchical definition language with run-time control capability to represent and control a manufacturing process for the plurality of SUTs in a unified manner ([0039-0044], Fig. 6, Page 5-Page 6).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stubbs et al. (U.S. Patent 5,136,705) in view of McNeely (U.S. Pub. 2002/0162059).

Stubbs discloses a state file (data flow) including blocks sub-blocks, tasks, and containers for run-time information (Fig. 2A, Fig. 14, Fig. 22); a sequencer tool for interacting with the state file to direct tasks of the state file, monitor task completion and update the state file with real-time control information (column 8, lines 8-11; column 16, lines 4-14); the listener tool for interacting with the sequencer tool to start task, monitor task, and send task results to the sequencer tool (column 5, lines 42-46; column 8, line 38-column 9, lines 4; Fig. 2B, Abstract).

Stubbs fails to disclose Multiple SUTs. However, McNeely discloses Multiple SUTs [0015].

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teaching of McNeely with the teachings of Stubbs in order to an automated, integrated testing of multiple device in a communications network.

5. Claims 2-8, 11-15, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNeely (U.S. Pub. 2002/0162059) in view of Stubbs et al. (U.S. Paand 10, as stated above but McNeely fails to disclose the limitations of claims 2-8 and 11-15. However, Stubbs discloses that the limitations of claims 2-8 and 11-15 as follow:

Regarding claims 2-4, 11-13 and 17, Stubbs discloses a state file (data flow) including blocks sub-blocks, tasks, and containers for run-time information (Fig. 2A, Fig.

14, Fig. 22); a sequencer tool for interacting with the state file to direct tasks of the state file, monitor task completion and update the state file with real-time control information (column 8, lines 8-11; column 16, lines 4-14); the listener tool for interacting with the sequencer tool to start task, monitor task, and send task results to the sequencer tool (column 5, lines 42-46; column 8, line 38-column 9, lines 4; Fig. 2B, Abstract).

Regarding claims 5, 14 and 18, Stubbs discloses a messaging protocol to support communication between the sequencer tool and the listener tool, the messaging protocol including unique identifiers and return code for each task (column 8, lines 35-41).

Regarding claim 6, Stubbs discloses the sequencer tool on a local control station in the manufacturing environment (column 14, lines 58-60).

Regarding claims 7, 15 and 20, Stubbs discloses state file in a machine-type-serial number directory of the local server coupled the local control station (column 12, line 38-column 13, line 10; Fig. 1).

Regarding claim 8, Stubbs discloses the listener tool on at least a plurality of SUTs coupled to the local control station (column 7, lines 60-65; Fig. 1, Fig. 16; Fig. 19).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teaching of McNeely with the teachings of Stubbs in order to an automated, integrated testing of multiple device in a communications network.

6. Claims 9, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNeely (U.S. Pub. 2002/0162059) in view of Stubbs et al. (U.S. Patent

5,136,705) as applied to claims 1, 10 and 17 above, and further in view of Louden(U.S. Pub. 2003/0208712).

Regarding claims 9, 16 and 19, McNeely and Stubbs discloses the limitations of claims 1, 10 and 17, as stated above but McNeely and Stubbs fail to disclose but Louden discloses that the state files in XML ([0039]).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teaching of McNeely and Stubbs with the teachings of Louden in order to provide an automated testing system and method must reduce test personnel costs, provide better test coverage, reduce time to market, and decrease the creation and maintenance costs of automated test scripts.

Response to Arguments

7. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed Kidest Bahta whose telephone number is 571-272-3737. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAG system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kidest Bahta


June 10, 2005